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THE VALUE OF EXISTENCE

DAVID N. CASSUTO*

One does not read *Beating Hearts* passively. I found myself agreeing often, disagreeing often, and sometimes doing both at the same time. Just as frequently, the book made me reexamine my views from a perspective I had not considered before. For example, prior to reading the book, I had not explored the basis for my belief that causing the death of a living being is a morally significant act. The authors (with a post-mortem assist from Epicurus) have seen to that deficiency. This forum seems an ideal place to push that discussion a bit further.

Locating identity over time is tricky and gets to the essence of personhood, which is central to both the abortion and animal rights debates. Why is painless killing morally wrong? Or, asked another way: On what basis can one claim an interest in continued existence? The answer depends on whether one believes that selfhood stays fixed from moment to moment or whether identity over time is merely an organizing principle and that each experienced instant is independent. The latter position was propounded most famously by the Greek philosopher Epicurus, who argued that “Death is nothing to us, seeing that, when we are, death is not come, and when death is come, we are not.” Under Epicurus’ view, ceasing to exist has no consequence for the individual to whom it happens. Painlessly and instantaneously taking a life therefore has no moral relevance since the dead person simply ends from one moment to the next. Since the deceased no longer exists and did not suffer at the moment of death, no harm attaches to the act of killing.

This formulation ignores ancillary harm to surviving loved ones but, as Colb and Dorf point out, if injury to survivors were the only harm caused by killing, then it would actually be less wrong to kill all the decedent’s loved ones as well, thereby sparing them from suffering. Such a deeply anti-social conclusion runs counter to basic moral intuition. Therefore, the primary harm, if it exists, must reside elsewhere. Locating that harm requires unraveling the paradox of the Ship of Theseus.

Theseus was the legendary Greek king said to have founded the city of Athens. According to myth, the ship he commanded was preserved by the Athenian people in the city’s port for hundreds of years. Over time, as the ship decayed, every part of it was replaced. Plutarch asked us to consider whether: If the ship on which Theseus sailed has had every part replaced, is it still the same ship? And, if not, at what point did it become a different ship?

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While one could ask very nearly the same question about The Beach Boys (and other bands who have replaced all or nearly all of their members), it is also true that questions such as these interrogate the nature of existence.¹ Can you swim in the same river twice? Can you even sit on the same bank? And what does any of this have to do with animal rights or abortion?

The answer (to the question of relevance, not to the paradox) is that the right to life that anti-choice advocates propose for fetuses and that animal rights supporters posit for nonhumans requires that the taking of life have moral resonance. The source of this resonance remains unclear. It would seem to require that identity stay static over time yet it is not at all clear why or how that would be so. Rather than attempt to solve the paradox, Colb and Dorf punt. They note that there is near universal agreement that killing is morally wrong even if no one fully understands why. Locating the source of that wrongness is unnecessary for their purposes because if we assume the existence of identity over time, that existence is equally true for humans and nonhumans. Therefore, animals have as much of a right to life as humans do. That equivalence suffices for Colb & Dorf because, by this reasoning, pre-sentient fetuses do not have the same rights since their existence as beings in time have not yet begun.

While all that may be true, I want to offer my own take on why animals (and humans) but not pre-sentient fetuses have a right to continued existence. My argument builds on Colb & Dorf's by returning to the Ship of Theseus. I begin with the observation that if a ship has none of its original components, it is hard to see how it remains the same ship in any literal sense. But does that matter?

In lieu of paddling into the paradoxical weeds (e.g., at what point in the replacement process did it cease being the same ship, etc.), let's instead focus on the fact that Athenians viewing the ship in the harbor experienced it as the same ship. Can it be that their experience was wrong? I would argue that it was not. The ship they saw embodied the role of Theseus' ship; it occupied the same space in the arc of being.

Every instant of lived experience is unique but during each instant we aggregate all of our prior instants into the whole of our individual selves. That is what I refer to as the arc of being. Just as the ship was experienced by those who saw it as the Ship of Theseus, so too do we experience our ever-changing bodies and minds as a static self who exists over time.² In other words, we constantly embody and re-embody our respective roles in time. When someone unjustly deprives us of the ability to embody ourselves over time, they commit a wrong.

¹ As a side note, I would argue that regardless of whether Theseus' ship remained the same, the Beach Boys without Brian Wilson are not the same band.

² It bears noting that since the ship is inanimate, it does not experience itself and therefore its existence is a function of the experience of living beings. By contrast, living beings do experience themselves and so their existence is not a function of others' experience but rather of their own.

Fetuses do not yet have an arc of being; they have not created a role to embody and consequently do not (because they cannot) re-embody that role over time. Destroying a pre-sentient fetus does not destroy an aggregation of lived experiences and therefore lacks the same moral culpability as taking the life of a being that has already existed and whose existence—absent wrongful intervention—would continue.

Colb & Dorf address something similar in their discussion of the “endowment effect,” a psychological phenomenon wherein people value what they have more highly than what they do not yet have. For example, most people are more upset when they lose \$100 than when they fail to acquire it. Applied to existence, this means that we value lives that have already come into being more than those which have not yet. Colb & Dorf offer the additional example of a skier who fell into freezing water and was submerged and effectively frozen for over an hour and then later revived. The question is: if no one had revived her from her completely unconscious state, would she have lost more than a fetus that had never lived? Few would argue that she would not but the question is why not.

As Colb & Dorf point out, the endowment effect does not answer this question. Rather than explain the morality of the prevailing view; it merely describes it. Furthermore, given that we do not know whether non-humans view existence the same way, the endowment effect lacks universal applicability.

Describing the wrongful termination of sentient existence as an unjust interruption of the arc of being encompasses the endowment effect but is not limited by it. However, the problem with all of these approaches (including mine) is that they categorize life more as property than as a moral right. I maintain that this weakness does not undermine the coherence of the approach. A fetus that has not yet embodied itself over time has nothing of value and therefore nothing to lose. Sentient beings – human and non-human—do.

A few words on suffering before I conclude: Suffering is the embodying and re-embodying of agony. To inflict needless suffering is to cause sequential moments of agony and, whether one embraces Epicurus’ view or not, unjustifiably causing that agony is morally wrong. It is also what we do to billions of non-humans every minute of every day for nothing more than culinary pleasure. Whatever one’s view on abortion and whatever one’s position on animal rights, there is no moral basis for inflicting needless suffering on sentient beings. Colb & Dorf never lose sight of that baseline.

Discussing the role of poetry in his Nobel acceptance speech, Seamus Heaney spoke of the reader’s desire for poems to be “compellingly wise.” Poems should present not just “a surprising variation played upon the world but a retuning of the world itself.” The reader wants “what the woman wanted in the prison queues in Leningrad, as she stood there blue with cold and whispering for fear, enduring the terror of Stalin’s regime and asking the poet Anna Akhmatova if she could describe it all, if her art could be equal to it.” No words can describe that woman’s suffering but, Heaney argued, the poet’s role is to try.

Similarly, words will not resolve the ethical quandary of abortion. Nor can they adequately render the ongoing catastrophe that is the torture and extermination of billions of innocent animals. But words are what we have. And we need to try. Thankfully, clear-eyed, rigorous thinkers like Colb & Dorf are on the case. *Beating Hearts* represents a worthy attempt to retune the world.